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ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

SEP 13 2006  
at ✓ o'clock and 46 min. ✓ M  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00051-DAE
	)	
Plaintiff,	)	APPLICATION REGARDING
	)	TEMPORARY TRANSFER OF
v.	)	CUSTODY TO THE STATE OF HAWAII
	)	REGARDING WRIT OF HABEAS
JAMES MAGALEI,	)	CORPUS AD PROSEQUENDUM;
	)	EXHIBITS "A AND B"
Defendant.	)	
	)	
	)	
	)	
	)	

APPLICATION REGARDING TEMPORARY TRANSFER  
OF CUSTODY TO THE STATE OF HAWAII REGARDING  
WRIT OF HABEAS CORPUS AD PROSEQUENDUM

Nora W. Garrod, Deputy Prosecuting Attorney for the City and County of Honolulu, State of Hawaii, hereby moves the Honorable Court for an Order authorizing the temporary transfer of the physical custody of JAMES MAGALEI from the United States Marshal Service, District of Hawaii, to State of Hawaii Officials at any time or times deemed necessary until the conclusion of State of Hawaii v. JAMES MAGALEI, Criminal No. 06-1-1709.

Defendant JAMES MAGALEI is now detained in the custody of the United States Marshal Service, District of Hawaii, pending sentencing.

Defendant JAMES MAGALEI has a hearing for Arraignment and Plea before the Honorable Derrick H. M. Chan, Judge of the Circuit Court of the First Circuit, State of Hawaii, currently scheduled for October 5, 2006, 8:30 a.m.

The State of Hawaii has received approval for a temporary transfer of custody from the Assistant United States Attorney assigned to the above matter. (See, Exhibit "A").


This Application requests that the Court grant a temporary transfer of the physical custody of JAMES MAGALEI from the United States Marshal Service, District of Hawaii, to State of Hawaii Officials, based on the State of Hawaii's Writ of Habeas Corpus ad Prosequendum filed on September 8, 2006, in the Circuit Court of the First Circuit, State of Hawaii (see, Exhibit "B").

Upon conclusion of State of Hawaii v. JAMES MAGALEI, Criminal No. 06-1-1709, Defendant JAMES MAGALEI will be returned to the United States Marshal Service, District of Hawaii, on a mutually agreed upon date.

Dated at Honolulu, Hawaii: September 7, 2006.

STATE OF HAWAII

By PETER B. CARLISLE  
Prosecuting Attorney

By   
NORA W. GARROD  
Deputy Prosecuting Attorney  
City and County of Honolulu